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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,856	01/25/2006	Satoshi Shimomura	D562000070	7463
8933 7590 12/10/2008 DUANE MORRIS LLP - Philadelphia IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196				
EXAMINER				
AHMED, MASUD				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
12/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/565,856

**Applicant(s)**

SHIMOMURA ET AL.

**Examiner**

MASUD AHMED

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant has amended claim 1 and canceled claim 2. Examiner has considered the amendment to the claims very carefully and responded to the applicant's argument below.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunlap (US 2002/0068632).

Dunlap teaches an online game system where player play using a game card having following limitations:

Regarding claim 1, Dunlap teaches an online game system with the user card encoded user password and information (para 0066);

Over the network the encoded password and user information is verified by the server (para 0066);

Upon authenticating the card the player character's value is determined in corresponds with the player account (para 0067);

Upon the verification of the user card information, the player character is downloaded on the player terminal to play game (para 0067);

Once the player character is generated, the character is displayed on the player's terminal and controlled by the player as the game approaches corresponding the player's character strength and lives (para 0070 and 0071);

Player character points are updated by the server as the player character's progresses through the game to achieve higher levels of the game (para 0073, 0074). Dunlap teaches user's item or character is downloaded from the server to the player terminal (para 0067);

Player characters are created or customized by the player also can be used to play games (para 0078, 0069).

Applicant's made the argument that Dunlap does not discloses a portion of the data being on the playing terminal which corresponds to the portion of the data image that is downloaded from the server, It should be noted that this feature of the claimed invention merely an alternative security feature to prevent alteration of the player card value of the game. Dunlap clearly discloses the feature of storing the characteristic data physically in the playing card or can be stored in the server (para 0067 and 0068), further for the enhance security and authentication a user log on or password is required for the system (para 0065), These are the known features that are disclosed by Dunlop if modified would yield in a predictable results such as alternative security feature,

therefore it would have been obvious to ordinary skilled artisan at the time of invention to include downloading and comparing images from the server to the game system as an alternative security measure to prevent the alteration of the game data or card value.

**Regarding claim 4**, In addition to the teachings and disclosure cited by the examiner above on claim 1, Dunlap's disclosure of user authentication password and user character's various data table such as health, strength and player character's lives are considered as control data that are stored in the server and corresponds the appropriate user upon log in (para 0065-0068).

Regarding claims **3 and 5**, Dunlap teaches the player character's data to be downloaded along with the player character from the server only once (para 0067); Character strength and lives of the player character is predetermined and can not be manipulated by the player (para 0073 0074).

#### ***Response to Arguments***

3. Applicant's arguments filed 8/4/2008 have been fully considered but they are not persuasive. Examiner respectfully disagrees with the applicant at least for the following:
4. Applicant's argues that the claimed invention prevents the alteration of the game data and the card value data and Dunlop does not discloses these features; it is respectfully shown above by the examiner the authentication features of the game is disclosed and taught by Dunlop above. The disclosed features of Dunlop is

authenticated and verified against the server upon user's log in, players can not modify the token value or data neither the unauthorized modification of the game data. The modification of the game character is separate and is done in Dunlop's system for the customization purpose. Further examiner has cited the amended portion of the claim above with the obviousness rationale.

5. Applicant is respectfully advised the review the entire prior art of record vary closely to better recite the claim language and encouraged to call the examiner for further clarification of the claim interpretation.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MASUD AHMED whose telephone number is (571)270-

1315. The examiner can normally be reached on Mon-Fri 10:00am-7:00pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571 272 4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Supervisory Patent Examiner, Art Unit 3714

/M. A./  
Examiner, Art Unit 3714